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Attorneys For Petitioners,
AIS GMBH AACHEN INNOVATIVE SOLUTIONS &
ABIOMED EUROPE GMBH

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

In re Application of AIS GMBH AACHEN
INNOVATIVE SOLUTIONS & ABIOMED
EUROPE GMBH, Petitioners, For an Order
Pursuant to 28 U.S.C. § 1782 to Take
Discovery for Use in Foreign Proceedings,
Pursuant to the Federal Rules of Civil
Procedure, of Respondent Thoratec LLC

Case No. 16-MC-80094-HRL

**PETITIONERS' OPPOSITIONS TO
THORATEC'S MOTION TO
DISQUALIFY COUNSEL AND MOTION
TO STAY DISCOVERY**

Hearing Date: August 23, 2016
Time: 10:00 a.m.
Courtroom: 2
Judge: Hon. Howard R. Lloyd

Petitioners AIS GmbH Aachen Innovative Solutions (“AIS”) and Abiomed Europe GmbH (“Abiomed Europe”) (collectively “Petitioners”) hereby oppose Respondent Thoratec LLC’s (“Thoratec”) Motion to Disqualify Ropes & Gray (D.I. 19) and Motion for Stay of Discovery Pending Resolution of Motion to Disqualify Ropes & Gray (D.I. 20) (collectively “Thoratec’s Motions”).

Petitioners dispute the merits of Thoratec’s Motions, but in the interest of advancing the discovery sought via the subpoena served pursuant to this Court’s Order (D.I. 16), Petitioners will obtain new counsel. Petitioners will file a motion seeking permission for Ropes & Gray LLP to withdraw as soon as Petitioners’ new counsel enters an appearance.

Petitioners submit that Thoratec’s Motions are thus moot and respectfully request that the Court deny Thoratec’s Motions, in the event that Thoratec does not withdraw Thoratec’s Motions beforehand. Ropes & Gray contacted counsel for Thoratec to inform them of Ropes & Gray’s intent to withdraw as counsel in this case and to seek confirmation that Thoratec will withdraw Thoratec’s Motions based on Ropes & Gray’s withdrawal, but counsel for Thoratec has not yet responded.

August 1, 2016

Respectfully submitted,

By: /s/ Andrew T. Radsch

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CERTIFICATE OF SERVICE

The undersigned certifies that on August 1, 2016, the foregoing document was filed with the Clerk of the U.S. District Court for the Northern District of California, using the court's electronic filing system (ECF), in compliance with Civil Local Rule 5-1. The ECF system serves a "Notice of Electronic Filing" to all parties and counsel who have appeared in this action, who have consented under Civil Local Rule 5-1 to accept that Notice as service of this document.

/s/ Andrew T. Radsch

Andrew T. Radsch